

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA,	)	
	)	
v.	)	23-CR-20271-BLOOM
	)	
BRETT BLACKMAN,	)	

**MOTION TO WAIVE DEFENDANT’S APPEARANCE AT  
ARRAIGNMENT**

Defendant Brett Blackman, through undersigned counsel, hereby moves to waive his appearance at arraignment on March 1, 2024 pursuant to Rule 10(b) of the Federal Rules of Criminal Procedure.

On February 20, 2024, a Federal Grand Jury sitting in the Southern District of Florida returned an indictment charging Smith with conspiracy to commit health care fraud and wire fraud in violation of 18 U.S.C. § 1349 and other related offenses.

Rule 10(b) of the Federal Rules of Criminal Procedure provides for a Defendant to waive his appearance at arraignment under the following circumstances:

(b) Waiving Appearance. A defendant need not be present for the arraignment if:

(1) the defendant has been charged by indictment or misdemeanor information;

(2) the defendant, in a written waiver signed by both the defendant and defense counsel, has waived appearance and has affirmed that the defendant received a copy of the indictment or information and that the plea is not guilty; and

(3) the court accepts the waiver.

Attached as Exhibit A to this Motion is a written waiver, executed by both Defendant and Mr. Rafferty, in which Defendant waives his appearance, affirms that he received a copy of the Indictment, and enters a plea of not guilty.

Mr. Rafferty conferred with Trial Attorney Andrea Savdie about this motion, and Ms. Savdie indicated she has no objection on behalf of the government.

WHEREFORE, Brett Blackman, through counsel, respectfully requests that the Court: (1) accept Mr. Blackman's written waiver of his appearance at arraignment on March 1, 2024; (2) waive Mr. Blackman's appearance at

his arraignment on March 1, 2024; and (3) accept his entry of a plea of NOT GUILTY.

Date: February 26, 2024

Respectfully Submitted,

/s/ Richard C. Klugh  
Richard C. Klugh, Esq.  
Florida Bar No. 305294  
RKlugh@Klughlaw.com

Richard C. Klugh, Esq.  
40 N.W. 3<sup>rd</sup> Street, PH-1  
Miami, Florida 33128  
Tel. (305) 536-1191  
Fax (305) 536-2170  
E-mail: Rklugh@Klughlaw.com

/s/ Brian T. Rafferty  
BRIAN T. RAFFERTY  
Georgia Bar No. 311903

RAFFERTY LAW, LLC  
1575 Johnson Road NE  
Atlanta, Georgia 30306  
(912) 658-0912  
[brian@raffertylawfirm.com](mailto:brian@raffertylawfirm.com)

Counsel for Defendant

# EXHIBIT A

Waiver of Appearance at Arraignment

**IN THE UNITED STATES DISTRICT COURT  
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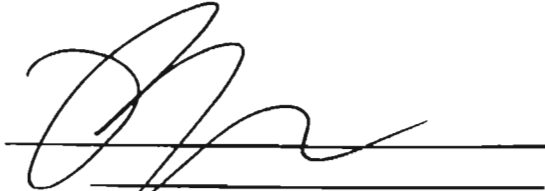
UNITED STATES OF AMERICA,	)	
	)	
v.	)	1:23-CR-20271
	)	
BRETT BLACKMAN	)	

**Defendant's Entry Of a Plea of NOT GUILTY  
and Waiver of Appearance at Arraignment**

I hereby acknowledge that I am the defendant named above and I have received a copy of the Superseding Indictment filed against me. I understand that I have the right to appear personally at my arraignment pursuant to Rule 43 of the Federal Rules of Criminal Procedure, and that I have the right to have the Indictment read to me in open court pursuant to Rule 10 of the Federal Rules of Criminal Procedure.

I have discussed the charges in the Superseding Indictment and this waiver of appearance at arraignment with my attorney and I fully understand the nature of the offenses charged and my right to appear at arraignment. Understanding my rights, I do hereby freely and voluntarily waive my right to be present at my arraignment on the Indictment and my right to have it read to me in open court.

As evidenced by my signature below, I do hereby waive formal  
arraignment and enter my plea of NOT GUILTY to the Indictment this  
26<sup>th</sup> day of February, 2024.

A handwritten signature in black ink, appearing to read 'B. Rafferty', written over a horizontal line.

BRIAN T. RAFFERTY  
Georgia Bar No. 311903  
RAFFERTY LAW, LLC  
1575 Johnson Road NE  
Atlanta, Georgia 30306  
(912) 658-0912  
[brian@raffertylawfirm.com](mailto:brian@raffertylawfirm.com)  
Attorneys for Brett Blackman

A handwritten signature in black ink, appearing to read 'B. Blackman', written over a horizontal line.

Brett Blackman  
Defendant